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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
Civil Docket No. 3:16-md-2738-FLW-LHG

IN RE:

JOHNSON & JOHNSON TALCUM	STATUS CONFERENCE VIA
POWDER PRODUCTS MARKETING,	REMOTE ZOOM
SALES PRACTICES AND PRODUCTS	VIDEOCONFERENCE
LIABILITY LITIGATION	

* * * *

THURSDAY, JUNE 10, 2021

* * * *

BEFORE: SPECIAL MASTER JOEL SCHNEIDER, USMJ, RETIRED
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Certified Court Reporting & Videoconferencing
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Transcript of proceedings in the

7 above matter taken stenographically by

8 Theresa Mastroianni Kugler, Certified Court Reporter,

9 license number 30X100085700, Notary Public of the

10 State of New Jersey and the Commonwealth of

11 Pennsylvania, VIA ZOOM REMOTE VIDEOCONFERENCE,

12 commencing at 3:58 PM.

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1 SPECIAL MASTER SCHNEIDER: Let's go on
2 the record. Thank you everyone for being available
3 on short notice.

4 As I said in my email, I've been
5 spending a lot of time going over the in camera
6 documents and it occurred to me that there are a
7 number of what I call background questions about the
8 documents. I'd like to make sure I'm not missing
9 something because when we argue the issues on the
10 18th, I'd like to focus just on substantive issues.

11 I do not envision today we're going to
12 do any argument, but just try to get the logistics in
13 order so we can just focus on the merits and the
14 issues when we argue the privilege dispute.

15 In general fashion, like I set forth in
16 my email, unless I'm just missing something as clear
17 as day, it's just obvious to me that I am unable to
18 determine if some of the documents included in this
19 binder are privileged without referencing some other
20 documents that aren't attached. And it occurred to
21 me after I sent the email out that that might be
22 caused by the fact that that's just the way plaintiff
23 designated documents from defendant's privilege log.

24 So that's the first issue.

25 And the second issue is: You all,

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1 plaintiffs, have received the descriptions that
2 accompany each of the documents. They're attached to
3 plaintiffs' brief. They're in the nature of argument
4 really.

5 And, Mr. Bernardo, with all due
6 respect, from reviewing those descriptions, some of
7 the characterization of what the document says or
8 doesn't say doesn't line up with at least what I
9 reviewed. So I wanted to make sure that I'm not
10 missing something.

11 And the third issue I didn't raise in
12 my email, but I just raise it for discussion after we
13 get through the first two issues is: I saw
14 declarations from two people supporting defendant's
15 application.

16 Mr. Bernardo, of course, yours was in
17 the nature of an objective summary of who the
18 companies are, who some of the principles are, the
19 attorneys et cetera, that's fine. And then we
20 received two declarations from the in-house, what
21 I'll call the PR person, which is fine. I didn't see
22 any declarations from any in-house counsel, Mr.
23 O'Shaughnessy, Mr. White, Ms. Villani, Mr. or Mrs.
24 Peterson, I don't know if it's a woman or a man, and
25 I just wanted to make a thousand percent sure that

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1 I'm not missing something.

2 And related to that is in reading the
3 motion to quash O'Shaughnessy's deposition in the
4 state cases, he submitted an affidavit or declaration
5 and I'd like to find out from the plaintiffs when we
6 go through this if they have any objection, it's not
7 part of the record in this case, but he sets forth
8 some background as to his position with the company
9 and his history with the company and I wanted to find
10 out if the plaintiff would have any objection if I
11 rely upon that declaration or affidavit just for the
12 purpose of knowing what his objective employment
13 history is.

14 So Mr. Bernardo, you tell me if I'm
15 off-base or I'm missing something and I'll turn the
16 floor over to you.

17 MR. BERNARDO: Well, of course you're
18 not off-base, Judge. I think that has to be my
19 answer.

20 Right?

21 What I would like to address, sort of
22 as a preliminary matter, is something that we
23 discussed yesterday. And for the folks on this call
24 from the plaintiffs' side, Judge Schneider and we had
25 a call with the New Jersey State Court plaintiffs

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1 discussing issues pertaining to Mr. O'Shaughnessy's
2 deposition. So I just want to establish that was the
3 reason we were talking to Judge Schneider.

4 But on that call, Judge, you raised a
5 very good point that you raised in connection with
6 Mr. O'Shaughnessy's deposition that really pertains
7 here to the documents as well and I wanted to put
8 that on the table because Ms. Miller and I were
9 looking at your email last week and looking at the
10 materials and considering how to explain some of the
11 answers to the questions that you raised.

12 One of the tricky things that we
13 realized in order to do that appropriately would
14 require us to provide some privileged information
15 about the documents and we wanted to address with
16 your Honor -- and to be clear, some of the questions
17 I think we can address and we'll do that without the
18 need to identify privileged information. But I
19 wanted to take the idea that you raised yesterday
20 with respect to the O'Shaughnessy deposition and
21 raise that here with respect to the privilege review
22 which is the idea of some ex parte on the record
23 communications to provide some additional information
24 for your Honor which is not only consistent with how
25 you explained to us yesterday that you've done it

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1 before, but certainly consistent with how I've done
2 it in other cases. And equally, if not more
3 important, how I believe it was done previously with
4 Judge Pisano in this case. So I just wanted to put
5 that on the table before I turn the mic over to
6 Ms. Miller to address some of the substantive things
7 that we can address in this more open forum.

8 MS. MILLER: I don't know if your Honor
9 has a response to that or if I should --

10 SPECIAL MASTER SCHNEIDER: I don't
11 think there is anything to respond to at the moment,
12 Ms. Miller.

13 Let's focus on the questions in my
14 email. I mean just the few examples I gave, it's
15 patently obvious that I don't have enough information
16 to decide the privilege issue with some of the
17 documents that I have.

18 My preference is I want to decide these
19 issues on the merits rather than saying it's
20 defendant's burden of proof, they didn't supply me
21 with anything to support it, objection overruled.
22 I'd rather get to the merits of the issue. You saw
23 some of the examples I gave. What do I do?

24 MS. MILLER: So, your Honor, there is a
25 couple things I want to say in response to that.

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1 First of all, some of the documents
2 that you listed -- there were 12 documents listed in
3 your email. Some of those documents don't actually
4 have attachments. Because, for example, a lawyer --
5 let me give one example would be someone sent a
6 letter to outside counsel and said I'm sending you a
7 bunch of documents. The person at J&J who sends a
8 letter to outside counsel retains the letter that he
9 sends to outside counsel, but wouldn't retain all of
10 the materials that he was sending to outside counsel.
11 So there are no attachments in the file of the person
12 at J&J who sent the letter to outside counsel.

13 But I would submit, your Honor, that if
14 somebody is sending something to outside counsel, a
15 letter that includes a bunch of materials to outside
16 counsel, there is no plausible purpose for that other
17 than to seek legal advice. And I know you don't want
18 any legal argument today, but I would just, if I
19 could, point out that I really do think when we do
20 get to legal argument, that the appellant division's
21 ruling in the Headden case is really important.
22 Because in that case the plaintiffs -- you know, it
23 was a very similar situation where the court was
24 faced with an email asking general counsel, can you
25 review this fundraising letter. And they said, well,

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1 we don't know why the general counsel was asked to
2 review a fundraising letter. And the court said come
3 on. It's the come on test, you know, it's the common
4 sense test. And the court said the only plausible
5 reason why someone is asking a general counsel to
6 review a fundraising letter, the only plausible
7 reason is because they want legal advice.

8 And if you look at these documents that
9 were sent to you -- so first of all, this one that
10 we're talking about right now is sent to outside
11 counsel at Nutter who are litigation counsel.

12 MR. LAPINSKI: Can I interrupt, your
13 Honor? Can I at least have a reference as to what
14 document is being referred to right now?

15 SPECIAL MASTER SCHNEIDER: I just asked
16 the same thing. Yeah. I'd like to know, too.

17 MS. MILLER: Sure.

18 MR. LAPINSKI: And again, your Honor,
19 you were clear in the email and you know to the
20 extent that we do have to get to some oral argument
21 here, I understand that, but --

22 MS. MILLER: We don't have to get into
23 oral argument --

24 MR. LAPINSKI: Can I finish, Ms.
25 Miller?

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1 MS. MILLER: Sure.

2 MR. LAPINSKI: So my point is only that
3 to the extent that we're going to start getting into
4 oral argument, plaintiffs haven't finished their
5 briefing, haven't submitted their briefing, and
6 within that context haven't finished all of our
7 research as it would relate to any particular
8 argument or any particular document.

9 SPECIAL MASTER SCHNEIDER: Ms. Miller,
10 let me tell you what I think. And I'm perfectly fine
11 with this. I'm very comfortable if the defendant
12 says, Judge, we're standing on our submission, you
13 didn't miss anything, we didn't inadvertently not
14 send you something, our argument is, and I know there
15 is case law on this obviously, this is no secret,
16 that I can look at the four corners of the document
17 and make the inferences you want. If the defendant's
18 argument is going to be with regard to those -- those
19 are examples I gave of documents, I've gone through
20 the whole book now and there is a lot more, but those
21 are just examples. If the defendant's position is,
22 Judge, we're going to rise or fall on that document
23 and our argument, that's perfectly fine. We'll hear
24 plaintiffs argument and I'll make the call.

25 I just want to make a thousand percent

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1 certain that I'm not missing anything. That's all.
2 I understand the argument you're going to make
3 perfectly. And I know what the case law says, that I
4 can look at the context of the argument and I can
5 make the assumptions, whatever, and plaintiffs can
6 argue to the contrary.

7 A good example is: There is a letter
8 to an in-house patent attorney. And in the
9 description that the defendants supplied, they said
10 that it was for patent advice.

11 Okay?

12 I'm going to hear plaintiffs' argument
13 on that and I would assume they're going to dispute
14 that and I'll make the call. I'm perfectly
15 comfortable making the call on that. But because
16 there might be other reasons why an in-house patent
17 attorney looks at the information that was provided
18 apart from giving, quote/unquote, patent legal
19 advice.

20 So if what you're saying is, Judge,
21 this is our best shot, we gave it to you, we think
22 the argument we made in the written submissions
23 accompanying each document are supportable, I'm
24 perfectly comfortable with that, Ms. Miller, and I'll
25 make the call. So long as I'm comfortable that I'm

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1 not missing anything.

2 MS. MILLER: If I may, your Honor, I'd
3 like to add a few more comments.

4 One is tab 52 is I think what you're
5 referring to on that patent memo. And the subject
6 line of that memo says: Patent file. And then it
7 gives a number of a patent document. So that to me
8 is an example of a document where it's self-evident
9 that the memo to the patent lawyer is about a patent
10 issue because it --

11 SPECIAL MASTER SCHNEIDER: That's fine.
12 That's argument. We'll make that argument on the
13 18th. That's argument.

14 Maybe the sky will fall in, Ms. Miller,
15 and maybe the plaintiffs will agree with you. I
16 doubt it, but maybe we'll get lucky and we'll see.

17 MS. MILLER: Your Honor, one of the
18 things we're struggling with here is that at least
19 half of these documents were created after this
20 litigation had begun, while this litigation was in
21 full throttle, and involved lawyers who are
22 responsible for managing this litigation. There are
23 a huge number of documents. It would not be
24 practical to have these lawyers do a declaration with
25 respect to every single document that's involved.

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1 That's just an enormous burden. And it is their only
2 job to manage the litigation. Anything that is sent
3 to them is sent to them in their role and --

4 SPECIAL MASTER SCHNEIDER: Ms. Miller,
5 see that's an example of what I have -- you can tell
6 I'm a little troubled by that.

7 That's a statement in a brief. I have
8 no support for that. I didn't get an affidavit from
9 any lawyer to explain that. I'm asking for help that
10 hopefully I can rely on O'Shaughnessy's affidavit
11 from the other case that he says he only dealt with
12 litigation. Other than that, there is nothing -- you
13 tell me where there is something that I could rely on
14 to support that notion.

15 One of the things that struck me about
16 the defendant's submission was I didn't get that
17 affidavit. I don't know why, but that's okay. I
18 understand the practicalities you're raising, but you
19 know as well as I do that merely because a statement
20 is included in a brief, that I can't rely on that as
21 fact.

22 So you're telling me that all these
23 people, all they do are litigation, how do I know
24 that?

25 MS. MILLER: Well, I believe that in

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1 Rich Bernardo's declaration he identified the roles
2 of the counsel and who is responsible for litigation.

3 SPECIAL MASTER SCHNEIDER: I will
4 certainly study that in detail, Ms. Miller.

5 Okay. So maybe we have an answer to
6 the question I asked.

7 I'm very comfortable if the defendant's
8 position is it's going to rise or fall on this, I'm
9 not missing anything, that's okay. And I'll make my
10 decision accordingly. I just wanted to relay to the
11 parties some concerns I have because sometimes I only
12 have less than a sentence and I'm supposed to
13 determine if it's privileged or not?

14 MS. MILLER: Well, your Honor, to the
15 extent any of these emails have families, as they are
16 called in privilege parlance, which is attachments,
17 or to the extent any attachments have cover emails,
18 we're happy to provide those. If you think that will
19 be helpful to your review, we're happy to provide
20 them.

21 I think they just weren't provided
22 originally because originally that's how it was done
23 with Judge Viscomi and she found it to be an
24 inordinate amount of paper, to be honest. So if that
25 would be helpful for your Honor, we're happy to

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1 provide that.

2 SPECIAL MASTER SCHNEIDER: My position,
3 Ms. Miller, has to be: Whatever the defendant feels
4 I should see, they should submit it.

5 I don't want to be in the position
6 where I'm telling the defendants what to submit and
7 what not to submit. That's what I have to say.

8 But let's take an example, Ms. Miller.
9 I just pulled this out. Number 49.

10 Okay?

11 I wish I could read this to the
12 plaintiffs because it's so innocuous.

13 MR. LAPINSKI: I don't object, your
14 Honor, if you --

15 SPECIAL MASTER SCHNEIDER: I know.
16 (Laughing)

17 You see it, Ms. Miller? 49?

18 Would you agree with me, and if I'm
19 wrong, please point it out.

20 Would you agree with me, how in the
21 world can I tell that this is privileged or not from
22 just reading this one sentence?

23 MS. MILLER: Well, your Honor, my
24 position is that the only reason this is sent to
25 counsel is to get counsel's advice on whether these

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1 labels are appropriate or not from a legal
2 perspective. There is absolutely no other reason you
3 would be sending draft labeling to a lawyer. And the
4 attachments are just the drafts of the labels for
5 which they were seeking legal approval.

6 So this is actually an example where we
7 are happy to send you the draft labeling for which
8 they were seeking legal approval, but the cover
9 letter was just seeking legal approval of some draft
10 labeling. And so the drafts don't add any -- they
11 don't add any context to the privilege nature of the
12 communication because they're just the draft labeling
13 for which that approval was being sought.

14 SPECIAL MASTER SCHNEIDER: Ms. Miller,
15 is that another way of arguing, and I don't want to
16 get into argument now, we'll save it, but everything
17 that is written to Mr. O'Shaughnessy is privileged
18 because he's a hundred percent litigation?

19 MS. MILLER: No. No, your Honor. I
20 would not say that.

21 Anything that's written to Mr.
22 O'Shaughnessy seeking his approval or disapproval in
23 his role as a lawyer is privileged.

24 If somebody emails Mr. O'Shaughnessy
25 asking him to attend a meeting that's not for a legal

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1 purpose, asking him out to lunch, asking him
2 something that's not in his role as a lawyer, that's
3 different. But if somebody is asking Mr.
4 O'Shaughnessy to approve something, that is
5 specifically in his role as a lawyer. Because that
6 is the only capacity he has to approve or disapprove
7 of a label. He doesn't have any other expertise to
8 approve or disprove of something.

9 MR. PLACITELLA: I'm just trying to
10 understand something, your Honor.

11 So is the argument that litigation
12 counsel approves labels for the corporation?

13 Is that what they're saying?

14 MS. MILLER: What we are saying is
15 that, and I don't know that -- that is not -- I don't
16 think that is a very fair question.

17 Obviously, when a corporation is
18 enmeshed in a lot of controversy, they are going to
19 be very concerned that lawyers are going to come
20 after them from a lot of different perspectives. So
21 obviously you're going to run things by your
22 regulatory lawyers, you're going to run things by
23 your litigation lawyers, you're running things by all
24 your lawyers because you're being barraged from all
25 sorts of directions. It's very natural and of course

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1 you're going to run your labels by lawyers because
2 lawyers like those on this Zoom are going to come
3 after you and criticize your labels in court. So
4 yes, of course you're going to ask your litigators if
5 your labels are okay. Come on.

6 MR. BERNARDO: May I make a suggestion,
7 Judge Schneider?

8 In just sort of listening, I think
9 we're getting an understanding of the point you're
10 raising and I would like an opportunity to discuss it
11 at our end because I think what we're trying to say
12 is that the burden of trying to support all of these
13 with affidavits that address what we felt are
14 self-evident points seems extreme particularly when
15 some of the people are dead, et cetera. But we hear
16 what your Honor is saying and would like an
17 opportunity to at least consider it a little bit
18 further and, if appropriate, we can supplement
19 something quite quickly.

20 I don't think it's something that would
21 warrant like a change in plaintiff's position in
22 terms of responding or otherwise because they're
23 going to be sworn statements of the very same thing
24 they already argued.

25 In other words, I'm not suggesting

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1 we're going to come up with new arguments or
2 different arguments, we're just going to consider the
3 point that your Honor has made as to the, I'll say,
4 sufficiency of proof that we have submitted. And as
5 Ms. Miller said, happy to provide the attachments.

6 Again, I sort of go back to my earlier
7 comment that some of this is a little bit easier to
8 discuss if we can get into some more privileged
9 issue, but we can put that to the side.

10 But does that make sense, your Honor,
11 and is that appropriate if we can at least consider
12 overnight having kind of listened to your Honor and
13 heard some of the issues if it's appropriate and we
14 can let you know what we plan to do?

15 SPECIAL MASTER SCHNEIDER: You heard me
16 say I'm not going to tell any party what to submit or
17 not to submit, Mr. Bernardo.

18 I think what I appreciate hearing
19 coming out of this session is we're going to hear the
20 argument, Judge, that it's self-evident from the
21 context and language and positions of the documents
22 that they're privileged. I understand that argument.
23 That argument has been made thousands of times in
24 cases. It's not a surprise.

25 Plaintiffs will undoubtedly disagree,

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1 but that's okay. That's why we have lawsuits. I'm
2 comfortable now that I understand the defendant's
3 background position and that I'm not missing
4 anything.

5 I would rather have this discussion
6 today than the 18th when hopefully we're just going
7 to deal with substantive issues. Like I said, I
8 consider this background issues and I wanted to deal
9 with the low-hanging fruit before we get to the main
10 event.

11 MR. LAPINSKI: Your Honor, if I could
12 just raise a concern that I have, your Honor.

13 If defendant is providing copies of
14 attachments to emails in order to help you put in
15 better context whether an email may or may not be
16 privileged, I don't know that I have an issue with
17 that. I do raise concern about defendants meeting
18 amongst themselves and deciding whether or not they
19 want a second bite at the apple and submit attorney
20 affidavits which they had time and opportunity to do
21 before they submitted their original briefing, and
22 now we're on a 96-hour time frame before we have to
23 file our response to their motion. I have concern
24 about defendants turning around and sometime over the
25 weekend submitting attorney affidavits in order to

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1 further support their arguments.

2 SPECIAL MASTER SCHNEIDER: Mr.

3 Lapinski, you have my one hundred percent assurance
4 that if the defendants decide to supplement, that the
5 plaintiffs will have every fair opportunity to
6 respond, even if it's after the 18th. In no way,
7 shape or form will either side be short-changed in
8 the opportunity to present this issue on the merits.

9 I want to decide the issue on the
10 merits and not on some technicality procedural issue
11 whatever. So even if you don't have -- I don't know
12 what they're going to do, but even if you don't have
13 time to respond, rest assured that no decision will
14 be made until you're comfortable that you, on behalf
15 of the plaintiffs, have exhausted every opportunity
16 to set forth your position. Scouts honor.

17 MR. LAPINSKI: And, your Honor, I
18 wouldn't think that you would do anything but provide
19 us an opportunity like that. I think my concern
20 comes from the fact that we amended the briefing
21 schedule, tried to keep our eye on June 18th as the
22 date that we were going to have argument and we did
23 so because we have some pretty important depositions
24 that are scheduled in the very near future. And the
25 documents that are at issue here are documents that

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1 are relevant to the depositions that are going to go
2 forward including the deposition of Mr.
3 O'Shaughnessy. And I don't have all of the specifics
4 of the conversation that Mr. Bernardo has been having
5 with Mr. Tisi about coordinating that, but to the
6 extent that there are documents that are going to
7 be -- have to be produced by the defendants based
8 upon your decisions, we want to be able to have a
9 quick turn-around on those documents that are
10 available for our use during that deposition. And
11 pushing the timeline out beyond June 18th makes that
12 more difficult.

13 MR. BERNARDO: And I will represent
14 that we -- and you know, as you pointed out, Dan,
15 that Chris and I have been having conversations.
16 We've also been having conversations about how to
17 address that particular point. And we're working
18 together to try to address it.

19 In other words, I think the volume of
20 documents that impact the deposition of Mr.
21 O'Shaughnessy are not that many. We've already
22 undertaken to agree to have ready to go any that
23 Judge Schneider would disagree with us and where we
24 didn't feel as if we wanted to appeal that. So that
25 is something, your Honor, that we are mindful of, you

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1 mentioned that to us before, we heard your words, and
2 we're sort of working together to address that.

3 SPECIAL MASTER SCHNEIDER: Has anything
4 been worked out about when the deposition of Mr.
5 O'Shaughnessy is going to be held in the ovarian
6 cancer cases?

7 MR. BERNARDO: I promised Mr. Tisi that
8 we would not get into this in fairness to Chris --

9 SPECIAL MASTER SCHNEIDER: Okay.

10 MR. BERNARDO: -- since he's here. But
11 I can say, and plaintiffs, I think this is fair, I
12 can say we're working together to see if we can move
13 that a bit in light of the discussion we had
14 yesterday. But I would rather not get further into
15 that, but I think from a scheduling standpoint I
16 think I can at least make that point.

17 SPECIAL MASTER SCHNEIDER: Okay.

18 I could be wrong, but from what I
19 understood, there might be a time crunch in the other
20 cases because of the upcoming trial. But as to this
21 trial, if Judge Wolfson is not going to try it until
22 2022, it would seem that you have a little bit of a
23 buffer. But I'll leave that in your very capable
24 hands about what to work at your timing. As I said,
25 I'll defer to the counsel on that issue.

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1 The last issue that I had raised is
2 whether the plaintiffs would have any objection, I
3 just referred to the O'Shaughnessy declaration or
4 affidavit that was submitted in connection with the
5 motion to quash, I'm really just interested in his
6 background information, his employment history,
7 nothing else for the time being.

8 Mr. Lapinski, any objection to that?

9 MR. LAPINSKI: Is a satisfactory
10 response for right now: Can I get back to you on
11 that?

12 SPECIAL MASTER SCHNEIDER: Sure.

13 MR. LAPINSKI: I'd like to be able -- I
14 don't want to say yes or no without going back and
15 again looking at what was submitted so that I fully
16 understand what's in there before I --

17 SPECIAL MASTER SCHNEIDER: All I'm
18 really interested in is his employment history and
19 duties.

20 MR. LAPINSKI: Okay.

21 SPECIAL MASTER SCHNEIDER: That's it.

22 MS. O'DELL: Your Honor, excuse me for
23 interrupting. Dan, I'm sorry.

24 I'm not sure that we have access to
25 that affidavit. I don't know if --

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1 MR. BERNARDO: Leigh, I was going to
2 jump in, but I figured I would do it afterward. I'll
3 make that available to you.

4 MS. O'DELL: Okay.

5 MR. BERNARDO: I actually think, I
6 could be wrong, and Jessica would know better than I,
7 I thought it might also have been annexed to the
8 motion to quash filed in Pennsylvania. But if you
9 don't have it, we'll make it available.

10 MS. O'DELL: Yeah. I didn't know if it
11 was different or what the context was that he was
12 referring to as a submission. So thank you.

13 SPECIAL MASTER SCHNEIDER: And I
14 assume, Mr. Bernardo, that the declarations I
15 referred to, yours and the two from what I call the
16 PR person, those were produced in full to the
17 plaintiffs?

18 MR. BERNARDO: That's correct, your
19 Honor.

20 SPECIAL MASTER SCHNEIDER: Okay.

21 I think that covers all the issues I
22 wanted to address.

23 Like I said, hopefully we didn't touch
24 too much on argument or substantive issues, but I
25 think this discussion was helpful to help prepare for

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1 next week.

2 So unless somebody else has any other
3 issues, we can adjourn. I'll look forward to
4 receiving the plaintiffs' papers. You may not get a
5 ruling on the 18th, but you'll get a ruling very
6 quickly, soon after that, realizing everything that's
7 going on.

8 MR. LAPINSKI: Thank you very much,
9 your Honor.

10 SPECIAL MASTER SCHNEIDER: Thank you
11 again, everybody. Thank you, Theresa.

12 We're adjourned.

13 MS. SHARKO: Thank you.

14 MR. BERNARDO: Judge, are you sending
15 out the Zoom for the New Jersey for tomorrow? If you
16 were, we thought you all were doing that, we haven't
17 received one.

18 (Off-the-record discussion)

19 SPECIAL MASTER SCHNEIDER: Let's make
20 sure no one is in the dark about that. That is a
21 discussion about purely logistical issues regarding
22 the O'Shaughnessy deposition in the state cases.

23 We're not discussing any privilege
24 issues, any substantive issues, but there was a
25 discussion whether we're going to do it live or by

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1 Zoom and how much time we're going to take and the
2 mechanics of this refereeing, et cetera, et cetera.

3 So, plaintiffs, I want to put your mind
4 at ease that no substantive issues will be discussed.

5 MR. BERNARDO: And I appreciate that,
6 your Honor, and I've also been trying to do my role
7 of coordinating and I've been filling in for Mr. Tisi
8 who I've been working with on that issue to let him
9 be advised of what's coming up, but I appreciate your
10 raising that as well.

11 SPECIAL MASTER SCHNEIDER: Okay.

12 Thank you everybody. We're done.

13 Have a good weekend, if I don't talk to
14 you.

15 (Hearing adjourned)
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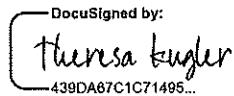
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C E R T I F I C A T E

I, Theresa Mastroianni Kugler, a Notary Public
and Certified Shorthand Reporter of the State of New
Jersey, do hereby certify that the foregoing is a
true and accurate transcript of the testimony as
taken stenographically by and before me at the time,
place, and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a
relative nor employee nor attorney nor counsel of any
of the parties to this action, and that I am neither
a relative nor employee of such attorney or counsel,
and that I am not financially interested in the
action.

DocuSigned by:

439DA67C1C71495...

Theresa Mastroianni Kugler, C.S.R.
Notary Public, State of New Jersey
My Commission Expires May 5, 2021
Certificate No. XI0857
Date: June 10, 2021

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